



KULI'OU'OU/KALANI IKI NEIGHBORHOOD BOARD NO. 2

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**MINUTES OF REGULAR MEETING
KULI'OU'OU-KALANI IKI NB NO. 2
THURSDAY, APRIL 6, 2006
AINA HAINA PUBLIC LIBRARY**

CALL TO ORDER: Chair Bob Chuck called the meeting to order at 7:05 PM with a quorum present. He welcomed everyone to the April meeting of the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2.

MEMBERS PRESENT: Bob Chuck, Ed Schell, Al Andrews, Ted Ashworth, Bernie Boltz, Jeannine Johnson, Karen Narimasu, Michael Parke, P. Anne Rautio, Jack Schneider, Jamal Siddiqui (7:30 p.m.), Sheri Spangler and Linda Starr.

MEMBERS ABSENT: Fran Kagawa, Bertha Leong (excused), Kimo Sutton and Joseph Young (excused).

GUESTS: Dr. Linda Rosen, Deputy Director, Department of Health (Governor Linda Lingle's representative); Senator Sam Slom, Representative Barbara Marumoto, Representative Lyla Berg; Alfred Tanaka, Deputy Director, Department of Transportation Services (Mayor Mufi Hannemann's representative); Francisco "Chico" Figueiredo and Nolan Kido from Councilmember Charles Djou's Office; Major Mark Nakagawa, Lt. A. Ahlo, Sgt. Erik Egami, Sgt. D. Akagi and Officer J. Hendrics (Honolulu Police Department, District 7); Captain John Young (Honolulu Fire Department, Wailupe Station), Scot Muraoka (Board of Water Supply), Cynthia Morrison, Judy Nakamura, Cindy Schultz, Ed Van Dyke, Richard Vinson (Holy Nativity Church), Wesley and Cathy Hirano, Jim Potemra, Drake Tanabe, Dennis Jana, Bob Harman and Gail Yip, L. Dodie Lau, Betty A. Ching, Matt Miura (Clearwire), and K. Russell Ho (Neighborhood Commission Office staff).

CHAIR ANNOUNCEMENTS: Chair Chuck made the following announcements:

1. Mayor Mufi Hannemann announced the new route for Honolulu Triathlon, starting at Ala Moana Park and ending at Aloha Stadium on May 14, 2006. After the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 and the Hawaii Kai Neighborhood Board No. 1 expressed their concerns, Mayor Hannemann did something about it. This does not affect the Honolulu Marathon in December, which goes through East Honolulu.
2. The Hawaii Brownfields Forum will be held on April 5, 2006 at the Ala Moana hotel- to encourage and facilitate the cleanup and redevelopment of contaminated property in Hawaii. They are not talking about the Ala Wai canal.
3. The Board of Education will be holding a community meeting on Thursday, May 11, 2006 at 6:30 p.m. to 8:30 p.m. at the Aina Haina Elementary School cafeteria.

4. On Wednesday, April 12, 2006 at 6:30 p.m. to 8:30 p.m. a Kalani Complex Schools Educational Forum will be held at the Kahala Elementary School Cafetorium. Representative Lyla Berg will be the facilitator.

HONOLULU FIRE DEPARTMENT (HFD): Captain John Young distributed the April 2006 report, which had the following:

1. There were 2 fires and 39 medical emergencies, 1 search/rescue and 23 miscellaneous service calls for a total of 65 emergency calls for service. There was 1 unusual incident- landslide risk at 679 Hao Street.
2. Fire Safety Tip: Cooking fires are the leading cause of home fires and the second major cause of death among older adults. If you are cooking and must leave the kitchen, even only for a few minutes, turn off the stove. Keep a fire extinguisher (with a minimum rating of 2A10BC) in or near your kitchen and learn how to use it. Inspect the extinguisher regularly to ensure that it has not expired.
3. Concerning the two questions from the February meeting for Captain Young, when Board member Johnson asked if HFD had determined the cause of the fire at 215 West Halemaumau Street on November 19, 2005 at 4:00 AM, Captain Young replied that the cause was still under investigation.
4. Board member Bertha Leong had asked HFD to check for a fire hazard at 6420 Oio Street. Since they can only conduct a "street front inspection," Captain Young drove through the neighborhood, but did not see any houses he considered a fire hazard, maybe some bushes. He can only knock on the door if there is a written complaint filed with the Fire Prevention Bureau.

Citizens' Concerns Regarding Fire: Including Responses from Firefighters

1. Board member Linda Starr mentioned that her neighbors wanted to report a fire hazard under the house at 646 Lawelawe Street.

Chair Chuck requested that Captain Young follow up on this and that there was an access road on the side to get closer.
2. Board member Sheri Spangler mentioned that at the Waialae golf course and her subdivision across Kalani High School, a fire truck came by because they had one foot of water last Friday, March 31, 2006. Captain Young did not know about that fire truck, but one was sent to Hao Street, where a house was slipping below Hao Place.
3. When Board member Starr asked about when Wailupe Stream overflowed its banks, Captain Young responded that it was when there was a combination of a lot of rain and tree blockage at the stream bridges.

Chair Chuck excused and thanked Captain Young for attending the meeting.

HONOLULU POLICE DEPARTMENT (HPD): Mark Nakagawa is the newly assigned Major for East Honolulu. He spent the last three years as the Commander of the Criminal Investigation Division. He last time he was in our district was in the 1980s, and back then, there was less traffic problems. He will try to attend the meetings a few times a year to hear the community concerns. Another officer distributed the monthly report and highlighted the following:

Statistics for this month compared with last month included: Beat 768 -burglaries 3/3, UEMV (unauthorized entry into a motor vehicle) 6/3, thefts 4/2; Beat 770 - burglaries 2/2, UEMV 0/1, thefts 2/2; and Beat 772 - burglaries 2/0, UEMV 3/3, thefts 3/2.

The HPD handout had a map showing the beat locations and information about opala (garbage).

There were no major crimes reported.

Questions, answers and comments followed.

1. When Board member Jeanine Johnson asked about hunting and hikers in the valleys, HPD responded that if it looks suspicious, then call 9-1-1. Permits are needed for hunters.
2. When Board member P. Anne Rautio asked about a traffic accident on March 19, 2006 with a car and an elderly person, HPD reported that it was a fatality.
3. Board member Starr reported that car alarms were set off because of the recent March thunderstorms. She asked if the owners of those car alarms could be cited for violating the home-alarm ordinance. HPD replied that they may use their judgment as to cite or not cite the owners.
4. Resident Cynthia Morrison wanted to report speeding traffic in Waialae Iki. Board member Spangler asked if HPD could post someone at the bottom of Waialae Iki from 7:30 a.m. to 8:00 a.m.
5. Board member Karen Narimasu mentioned that near Kalani High School driveway, people (from town-side) make a u-turn at Laukahi Street and hold up right-turn traffic from Laukahi by stopping to drop-off their children. Board member Spangler was concerned about Kalani High School taking more students from outside of East Honolulu.
6. Chair Chuck asked the Mayor's representative Al Tanaka, Deputy Director, Department of Transportation Services (DTS) to evaluate the traffic signal cycle with Honolulu Police Department (HPD) by Kalani High School at 7:30 a.m. to 8:00 a.m. on school days.

Tanaka explained that Kalanianaʻole Highway is the State Department of Transportation (DOT) responsibility, but traffic light timing is the City Department of Transportation Services (DTS) and there is State-City co-ordination.

7. When Board member Starr mentioned that tonight the traffic around 6:30 PM was back to 16th Avenue, HPD said that there was a five-car accident on Kalanianaʻole Highway earlier.

Citizens' Concerns Regarding Police: - Including Responses from Police (7:26 p.m.)

1. Board member Rautio mentioned that on Kalanianaʻole Highway across from Kalani High School, there is a wall leaning against a tree. Board member Spangler made a suggestion to contact the community association.
2. Board member Ted Ashworth mentioned that his real property tax assessment increased by over 33 percent. When he called the City tax assessment office, nobody could answer his questions. He was referred to a Wilfred Martin, who was not available.

When Board member Johnson called Wilfred Martin, they re-inspected the house and got a lower assessment.

The City Council can reduce the rate of assessment. Chair Chuck wanted an update. Board member Michael Parke mentioned the reduced rate would be based on a 40 percent mark-up.

3. Board member Spangler had reported clogged storm drains in her neighborhood to the former Mayor's representative, Deputy Fire Chief John Clark four months ago. No action was taken. Last week those areas were flooded out. The storm drain is on Kalanianaʻole Highway near Waiholo Street. Board member Parke mentioned that the State people may have to look at it.
4. (7:40 p.m.) Judy Nakamura from Aina Haina, 5229 Liwai Street, gave the following testimony of flood damage from the recent rains:

The only street storm drain on Liwai Street is in front of my house. When it rains heavily, I often get the overflow runoff from the storm drain and also from Hao Street through my property. On Thursday, March 23, 2006, the runoff water was so high that it came up to the top step of my house, which is built on pillars and posts. I called the Fire Department because it was 1 inch away from entering my house. The water comes down the side of my house like a raging river, erodes all the soil to make deep gouges, goes under the house, and everything in the front of the house ends up in the back. Last year, the water was so strong that it knocked down my back neighbor's tile wall. I have damage on my side tile wall that is shared with my neighbor.

I cleaned up my yard on the weekend and when it rained again on Friday, March 31, I encountered the same river of water runoff through my property. My house is built-up on posts, there is evidence of ground shifting and there is no soil around some posts. My doors are beginning to jam and floorboards are creaking.

I have called the City Roads Division, State Roads Division, and Civil Defense. A representative from the Red Cross also came by to assess the damage. I have also called Representative Lyla Berg and Senator Slom's offices to send a representative to see all the damage that is being done to my house.

We had a neighborhood meeting on Monday, April 3 and there were about 20 of our neighbors who attended. This poor storm drainage design is a major concern for homeowners in our area.

Chair Chuck would send the letters to the appropriate City people and Alfred Tanaka would follow up with the agencies.

5. Residents Robert Harman and Gail Yip, presented the following testimony:

To the Kuliouou / Kalani Iki Neighborhood Board
April 6, 2006 Aina Haina Public Library Meeting Room:

Aloha Board Chair, Members and Guests,

Tuesday's *Honolulu Advertiser* reported that 43 days of rain had destroyed one home in our valley and damaged 36 more, nine severely. According to the Red Cross, another 198 homes and properties had water or mud damage. These are just the ones we know about—more will be reported. On our property alone, water flowing under our house threatens the foundation. More important, a large retaining wall has begun to fail because of the heavy rains. When that wall falls, our home, and perhaps our neighbors' homes, could be destroyed by tons of sliding earth and water. We need help in correcting this situation today.

In 1989, the city paid eleven Aina Haina homeowners almost \$6 million after rain and sliding earth destroyed their homes. This amount would be much larger today, but we believe that settlements of this magnitude in the future can be prevented with some effective planning and earnest maintenance work today.

We are raising these issues to the Neighborhood Board to be forwarded for action by the appropriate city agencies and offices, working in cooperation with other appropriate city, state and federal entities.

The damage from rains during this past month and last winter can be largely attributed to inability of the drainage system to handle the volume of rainfall and runoff. The drainage system is comprised of several parts, which include:

Wailupe Stream. During the recent heavy rain runoff, we examined the stream. It appeared to handling the flow, and did not appear to be reaching its maximum carrying capacity.

Roadways and curbs. The roadways all overflowed their curbs, some to a depth of several feet. This is partly due to the topography and lack of storm drain openings, and partly as a result of the city's practice of raising the roadbed by repaving over old pavement. This repaving practice increases the volume of asphalt with a concomitant decrease in volume of the roadway between curbs; in some areas, the pavement is at the same level as the curbs, themselves. The old roadway pavement should be scraped off before repaving.

Storm drains and sewers. During the recent rains, the capacity of storm drains and sewers were greatly exceeded. This is partly a result of the design – there are too few storm drain openings, they are at the wrong location or on the wrong side of the street, and the diameter of the drainpipes are too small. We recognize that these problems are an artifact of the original design during a time when the valley's populations was smaller than it is today, and would be too costly to improve at this time.

One area, however, that could be addressed with minimal delay and cost is adding a drainage system and grating at the bottom of a wash that empties onto Hao St. This mountainside runoff overflow is a main source of flooding on Liwai and Waihou Streets. Rainwater, mud, silt and medium-sized boulders enter Hao, Liwai and Waihou Streets from this wash, causing damage to homes and property. Controlling the runoff by adding a drainage system and grating at the bottom of the wash will increase safety and reduce future costs, in terms of maintenance and repair to both homeowners and the city. The bottom of the wash lies directly above the path of the storm drain pipe, so adding an additional opening into the drainage system should be relatively easy and cost-effective.

With the above facts in mind, we respectfully request the Board to forward our request for immediate action to:

1. Inspect and thoroughly clean all the storm drain openings, culverts, drain pipes, and sewers (hint for inspectors: look for the drain openings that have gravel and rocks piled up in front of their openings), including progress reports to area residents; and
2. Expedite an engineering study of the problem and potential solutions to the intermittent flow of damaging water, soil, and rocks that flow from the drainage wash that enters the Ewa side of Hao St. between Keakealani and Liwai Sts (see map), including status reports to area residents.

If the Board members or any agency needs more information on these problem areas, please contact us via email at bob.harman@noaa.gov. Mahalo for

considering these requests. Mr. Harman provided a map to show the location of the wash:

Mr. Harman suggested that this Neighborhood Board should urge the appropriate State and City agencies to routinely inspect and clear storm drainage systems.

Chair Chuck asked City representative, Tanaka, to follow up and get the contact information.

Board member Spangler proposed appropriate drainage inspectors for the Waialae Golf Course.

6. Board member Ashworth mentioned the recent damaging flooding of Kahala Mall from huge rain runoff coming from Hunakai Street. Former Mayor Jeremy Harris wanted beautification projects, and funded those projects with moneys from the sewer upgrade projects.
7. Board member Starr was concerned about low-lying Hao Place that is below Hao Street, and the need to frequently inspect and clear rubbish from Wailupe Stream.
8. Resident Harman said Wailupe Stream was okay during this recent flood.
9. Board member Parke mentioned that frequent river-and-stream inspections would be costly.
10. Board member Bernie Boltz mentioned there is illegal water run-off from swimming pools that are drained into the sewers when they are being cleaned.
11. Board member Spangler asked for a sewer-system "smoke test" to find faults in the underground sewer pipes.
12. Board member Ashworth said he heard that chlorine and other pool cleaning chemicals are also being dumped into to storm drain systems.
13. Mayor's representative Tanaka mentioned that the City Environmental Services could do the appropriate test, rather than a "smoke test."
14. Tanaka mentioned that ENV/DFM/DPP/Department of Design and Construction have limited resources and it would facilitate the investigation to pinpoint the source of the problem if the incident is reported as it is occurring to the Department of Customer Services complaint office at 523-4381.
15. Board member Narimasu also commented on the flooding last Friday.

Vice Chair Schell moved and Board member Spangler seconded that the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 requests that the Department of Facility

Maintenance (DFM) and other appropriate agencies direct immediate inspection and cleaning of the storm drains in the Liwai Street, Hao Street, Hao Place, Waihou Street, Ana Hanai Road and Waiholo, Waikui and Waieli Streets.

Further, the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 requests the appropriate agencies prepare engineering studies to alleviate this situation.

Further, the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 requests these agencies inspect, clean and maintain these drains in this Neighborhood Board District. The motion carried unanimously, 13-0-0.

Chair Chuck thanked the HPD and excused them so they could return to duty.

RESIDENTS' CONCERNS:

There were no residents' concerns.

BOARD OF WATER SUPPLY (BWS): (8:10 p.m.) Scot Muraoka read the April report and highlighted the following:

1. There were no water main breaks for March.
2. **GENERAL WATER ANNOUNCEMENTS:** With the recent heavy rains, some of you may have some questions about how or if they have affected our water supply. Hopefully, this information will give you some insight.
 - A. When it rains heavily, our pumpage drops because people don't water their lawns, wash their cars, or do other heavy water consumption outdoor activities. (ex: as of March 8, we were pumping 127.28 million gallons per day (mgd), down from last year's 146.43 mgd).
 - B. While this can briefly cause water levels to rise, this does not indicate that there is more water in the aquifer, only that we are pumping less water from them. Usually, when the rain ends, the aquifer levels will go back to regular levels as pumpage rises to accommodate people resuming the activities they put off while inclement weather was occurring.
 - C. During heavy rains, there is always considerable runoff that occurs. Despite the runoff, rainy weather helps maximize the amount of rainfall available for aquifer recharge.
 - D. Winter and Spring rains help to balance out the dry months we expect in the Summer.
 - E. We should continue to be mindful of water use even during periods like these, as the effects from them will not be immediately evident.

Questions and answers followed.

When Board member Jack Schneider asked if the shortfall of usage would increase the rates, Muraoka responded that the rates might go up. Honolulu has an integrated system.

Chair Chuck thanked Muraoka.

APPROVAL OF THE MARCH 2, 2006 REGULAR MEETING MINUTES: The following correction was made:

Page 16, 1., it should read, "Board member Johnson was disappointed that Niu Valley playground equipment was not in the Capital Improvement Projects (CIP)."

Chair Chuck thanked Board members Linda Starr, Jeannine Johnson and Neighborhood Assistant Ho for working on the minutes

PRESENTATIONS: (8:20 p.m.)

Request to Establish a Wireless Communication Facility in Aina Haina- Matt Miura, representative for Clearwire wireless broadband, presented their proposal of placing a wireless installation at the Holy Nativity Episcopal Church.

Question, answers and comments followed.

1. Reverend Richard Vinson from Holy Trinity Church was in the audience and he had no objections.
2. Board member Ashworth asked about locating the antennae broadcast system up on the mountains. Miura mentioned that the proposed site on the roof of the Holy Nativity gym building would be better.
3. Board member Spangler asked if the notice to residents had gone out. Miura answered in the affirmative.
4. Board member Starr asked about the impact of electro-magnetic-wave radiation and electro-magnetic-interference from their wireless broadcast system. Miura responded that television signals broadcast lots more electro-magnetic energy. This proposal emits only 100 watts of energy, as much as some table lamps. The danger zone is usually around eight feet directly in front of and around the tower.
5. Resident Cindy Schultz was concerned about electro-magnetic-wave radiation on children at Holy Nativity and on people who live near Holy Nativity.
6. Resident Ed Van Dyke and wife live around 50 feet from the proposed tower. They report hearing high-frequency sounds and beeping coming from existing communication systems already installed on the Holy Nativity gym building. They are concerned about low-level electro-magnetic-wave long-term exposure health issues.

7. Chair Chuck asked if they looked for another place. Miura replied in the negative. The existing tower is on top of a high building. The City wants to keep various communication transmission systems together. The upper valley slopes are harder to build and do not provide enough service coverage.
8. Board member Jack Schneider mentioned that the energy is "added, not multiplied."
9. When Board member Starr asked if the project would interfere with other wireless services, Miura replied that they use different band frequencies.
10. Board member Starr was concerned about Homeland Security and asked how quickly these wireless communication systems could be brought back into service after an emergency or natural disaster.
11. Chair Chuck asked about the cost of the proposed wireless system. Miura responded that he is a consultant and does not work for the company. He does not know the cost. They hope to expand wireless coverage to Hawaii Kai and Kahala.
13. The application needs to go to the Department of Planning and Permitting (DPP). Chair Chuck asked if Miura could return for the May meeting.
14. There is another wireless cellular site in Niu Valley on an existing church tower of the First Methodist Church steeple.
15. Board member Narimasu asked for more hard data of the impact to community members that live, work and play 50 feet from the wireless transmission tower.

Chair Chuck deferred action on this presentation until our next month's meeting.

Board member Spangler added that she wants them to answer community concerns before the Board gives an "okay."

Chair Chuck thanked Miura.

Response from Harold Senter, City Dept. of Planning & Permitting, regarding questions concerning the East Honolulu Sustainable Communities Plan- Chair Chuck announced that Hal Senter would not be at tonight's meeting. To follow-up on concerns voiced at last month's meeting, Director Henry Eng sent a written response. (Director Eng's response is attached and is part of these minutes).

MUFI HANNEMANN
MAYOR

HENRY ENG. FAICP
DIRECTOR
DAVID K. TANOUE
DEPUTY DIRECTOR

20061ACT-04-4

APRIL 12, 2006

Mr. Robert (Bob) Chuck, Chairman
Kuliouou-Kalani Iki Neighborhood Board No. 2
5317 Opihi Street
Honolulu, Hawaii 96821

Dear Mr. Chuck:

Re: Response to Questions Raised at the March 2, 2006
Meeting of Neighborhood Board No. 2

Our review of the minutes of the March 2, 2006 meeting of the Kuliouou-Kalani Iki Neighborhood Board No. 2, which were made available on April 3rd, indicated several questions and issues which Mr. Senter, a DPP Planner, indicated would be addressed at the Board's next meeting.

Included were questions related to the process of preparing the East Honolulu Sustainable Communities Plan (EH SCP), opportunities for community input, plan enforcement issues, and the development status of some specific parcels. To ensure that the minutes reflect a correct understanding, and that the questions and issues raised are addressed, DPP has prepared the attached written response.

Should you have any further questions, please feel free to contact Mr. Harold Senter at 527-6028 or Mr. Bob Stanfield at 527-6094.

Very truly yours,

Henry Eng, FAICP. Director
Department of Planning and Permitting

RESPONSES TO QUESTIONS ABOUT THE EH SCP FIVE YEAR REVIEW
April 12, 2006

The following questions were raised during the March 2, 2006 meeting of the Kuliouou/Kalani Iki Neighborhood Board No. 2 in response to a presentation by Hal Senter, planner, Honolulu Department of Planning and Permitting. (Statements from or paraphrases of the minutes of the 2 Mar 2006 meeting are in *italics*.)

The minutes provide a description of six handouts distributed to the Board, and describes comments, including the following:

1. ***Board member Spangler wanted the community to be involved with the answers (to the questions listed on the Questions/Answers Matrix). Senter responded that the community could have input after the draft plan is presented to the Council.***

The minutes are incorrect. Mr. Senter did not say that the community would have input after the draft plan is presented to the Council. Community members will be able to provide input on the draft before it goes to the Planning Commission and then the Council.

2. ***Board member Spangler felt the Questions/Answers Matrix would be an improper form for the updated EHSCP because it has no accompanying answers.***

Answers will be provided in the next round of community presentations and meetings. The completed Matrix with the Department's responses to each of the questions, comments, and suggestions received will be provided as a handout accompanying the Public Review Draft Plan when it is sent out for review.

3. ***Board member Spangler asked that hard copies of handouts and drafts be provided.***

We agree that both hard copy and electronic distribution should be used for both the Public Review Draft and the final Proposed Plan.

4. ***Board member Spangler noted that there is supposed to be no development outside of the Urban Community Boundary but some zoning was changed almost immediately after the Council passed the EHSCP in 1998.***

The EH SCP was approved in April 1999 (not 1998) and took effect in August 1999. **The City Council did approve a zone change for Schuler's Le'olani project in July 2000 (Ord. 00-46).**

However, the zone change application had been submitted in August 1997, long before the EH SCP was adopted, and had to be processed under the provisions of the East Honolulu Development Plan that was in effect at that time.

5. *The Board asked for a report on proposed City Charter changes concerning planning.*

Proposals concerning planning still under consideration by the City Charter Commission include Proposal 7, Proposal 21 and 47, Proposal 69, and Proposal 99. The Charter Commission website provides detailed information on these proposed City charter changes at: <http://www.honolulu.gov/chc/proposals.htm>

Contrary to the minutes, there are no Charter revisions under consideration that would give the Planning Commission more powers. There is a proposal to give the Commission independent staff support in place of the staff support they currently receive from the Department of Planning and Permitting.

6. *What could be built under the current Paiko Ridge zoning.*

The City zoning is P-1, restricted preservation. The parcel is in the State Conservation District, and **any development of the site has to be approved by the State Board of Land and Natural Resources. The City would be consulted on any development application, but does not have the authority over what is permitted.**

7. *DPP approval of a building permit for the King's Cathedral at the Niu Valley Shopping Center "violated the General Plan, the EH SCP, and the LUO" because no public hearing was held.*

Allowing a church in Niu Valley did not violate the EHSCP. The EH SCP clearly states in Sec. 3.5.4.3 that churches are allowed in all residential areas. Language in the EH SCP that says the Niu Valley Shopping Center should retain its present purpose cannot be used to block a change from use for a shopping center to use as a meeting facility since both are permitted uses under the current B-1 zoning.

The only permit required by the King's Cathedral was a building permit because churches are a permitted use under the existing zoning. No public hearing is required before issuing a building permit. The Department cannot refuse to issue a building permit for a permitted use if the permit meets all the building code and zoning requirements.

8. *Board member Johnson "mentioned that DPP has ... violated the Kailua SCP which allowed no 'bed and breakfasts' or vacation rentals. There was no enforcement."*

April 12, 2006

DPP has not violated the Koolaupoko SCP regarding bed and breakfasts or vacation rentals in Kailua. The Koolauloa SCP does not actually contain any policies regarding bed and breakfast (B&B) units or vacation rentals.

Since 1989, new B&B units cannot legally be built or operated in any districts, and new vacation rentals (which are called transient vacation units in the Land Use Ordinance) have been allowed only in a resort district, or, under special provisions, in an A-2 Medium Density Apartment District.

However, B&B units and transient vacation units (TVU) which were in operation in 1989 were allowed to continue if they applied for a Non-conforming Use Certificate (NUC) and renewed it on a regular basis. There are 35 B&B units and 32 TVUs which have NUCs and are legally conducting vacation rental operations in Kailua.

Since July 2005, the Department has issued 42 NOVs and has fined 14 property owners for operating illegal B&B or TVUs. Most of these citations were for illegal vacation rental operations in Kailua.

9. ***Board member Spangler asked why language identifying and defining commercial uses for resort and institutional areas was included if the Plan does not call for "major new schools, new resorts or institutional uses in East Honolulu."***

The Plan provides policies and guidelines for uses in existing areas where there are resorts (Kahala) or institutional uses to guide any redevelopment activities in those areas. It specifically states that no new resort or institutional uses are to be located in East Honolulu.

10. ***Is there a map of resort areas and their exact boundaries?***

The existing Kahala resort area is shown on Map A-2 Urban Land Use in the Appendix of the EH SCP. Exact boundaries would have to be determined from other sources since the maps in the Plan are conceptual maps which illustrate the text and are not meant to be parcel-specific.

11. **Board member Starr mentioned a planned motel or lodge on Kamehameha Ridge is in the existing 1998 EH SCP which the Hawaii Kai residents opposed.**

The EH SCP does not include any motel or lodge for Kamehameha Ridge. There was a proposal for a small hotel to be located in one of the Hawaii Kai shopping centers in an early draft of the EH SCP. However, it was taken out as a result of community opposition.

Doc. 441564

Department of Planning and Permitting
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EH SCP Five Year Review

Concerning the East Honolulu Sustainable Communities Plan (EHSCP), Hawaii Kai resident Elizabeth Reilly favors that the City reaffirms and upholds the existing urban growth boundaries, like Charter Commission's Proposal 47. The Charter Commission will be meeting May 4. She mentioned the Paiko development and that the preliminary draft of the East Honolulu Sustainable Communities Plan (EHSCP) is available on the Internet.

ELECTED OFFICIALS- (8:54 p.m.)

Senator Sam Slom: Senator Slom distributed his newsletter and highlighted the following:

1. Mrs. Nakamura, the Kahala Mall flood story, flesh-eating bacteria and the sewage spill in Waikiki, all made the national news. Former Mayor Jeremy Harris raided the sewer fund to the tune of \$100 million.
2. Board member Spangler had voiced serious concerns and objections about the Turtle Bay proposed mega-expansion of around 3,500 hotel rooms or time-share units. They should be required to seek new permits and Environmental Assessments (EA).
3. There is a Senate Ways and Means Committee (WAM) bill concerning Round Top Drive, Manoa stream, Hilo Bay and Diamond Head Road which could cost taxpayers around \$30 to \$40 million. The State should prioritize projects and not have "knee-jerk" tax increases to fund all projects.
4. Concerning the Kailua reservoir and Waimanalo, they should have a dam evacuation immediately.
5. So far, there are no bills or resolutions for tax relief for Hawaii's residents.
6. It is now three-fourths the way through the session. Tuesday is the second "crossover day." The Legislature will end on time, as 50 Representatives and half the Senate are up for re-election or running for Congress.
7. Senator Ron Menor, Chair of the Commerce, Consumer Protection and Housing Committee, is not suspending the "Gas Cap."
8. For Board member Jeannine Johnson, Bill Paul will get more paint to paint out graffiti. City Mill has donated the paint.

9. The House of Representatives "salvaged" the "three violent strikes" bill, they eliminated six of the twelve serious crimes.
10. The City Charter meeting is April 18, 2006 at 2:00 p.m.
11. He mentioned the Board of Education will meet on May 11.

Question, answers and comments followed.

1. Board member Spangler asked if the City sewers were under a Federal Consent Decree. Senator Slom answered in the affirmative.
2. Board member Starr asked about legislative action resulting from the recent Kauai dam break. Senator Slom replied that the Department of Land and Natural Resources (DLNR) had not inspected the dam for ten years. The Attorney General's Office is investigating. The Legislature wanted a parallel investigation.
3. Board member Al Andrews asked about the status of the Super ferry. Senator Slom said they were to be given an update report soon. They need to address the potential problem of spreading invasive species to the ports that they visit. They need to address the impact of several hundreds of motor vehicles getting on and then off the super ferry at the different harbor or pier facilities.

Chair Chuck thanked Senator Slom.

Representative Barbara Marumoto: Representative Marumoto had distributed her newsletter and the Legislative Process, prepared by the House and Senate Majority staffs, before leaving the meeting earlier.

Representative Lyla Berg: (9:10 p.m.) Representative Berg distributed her newsletter and highlighted the following:

1. A blue flyer mentioned the Kalani Complex School Educational Forum on "Maximizing Your Child's Potential" on Wednesday, April 12 from 6:30 to 8:30 p.m. at the Kahala Elementary School Cafetorium. From the Kaiser Complex forum, they learned that the kids are bored and they need to get the kids involved. One idea was to grow limu (Hawaiian seaweed). At the Kaiser Complex forum, Superintendent of Schools Pat Hamamoto attended.
2. There is a House Concurrent Resolution to audit of the University of Hawaii Medical School's use of the "tobacco settlement" money.

(9:17 p.m.) Board member Michael Parke left the meeting.

3. Representative Berg handed out a blue packet that had materials from "Lawmakers Listen", which was on Wednesday, March 29. House Committee Chairs were

invited. There are no minutes, but they discussed infrastructure and land issues.

3. She mentioned to the Board and especially to Board member Johnson that the playground equipment funding of \$100,000 was still there.
4. Her House Bill 21, the anti-graffiti bill (proposed by the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2) crossed-over to the Senate.
5. Her Sunshine Law bill was changed to another form to deliver the same message. Chair Chuck thanked Representative Berg.

APPROVAL OF THE MARCH 2, 2006 REGULAR MEETING MINUTES: (Continued)

Vice Chair Schell suggested that Board member Sheri Spangler's concern about last month Hal Senter not providing two "hard copies" of the East Honolulu Sustainable Communities Plan (EHSCP) and telling her to purchase them at the Municipal Reference Library be added to this month's minutes.

Vice Chair Schell motioned and Board member Karen Narimasu seconded to accept the March 2, 2006 regular meeting minutes as corrected. The motion carried unanimously, 12-0-0.

Councilmember Charles Djou: (9:25 p.m.) Francisco "Chico" Figueiredo distributed Councilmember Djou's newsletter and highlighted the following:

1. He mentioned that the Liquor Commission had a new Executive Director, Dewey Kim. Councilmember Djou is happy.
2. After last month's heavy rains, he would follow up with the resulting problems with the storm drains. Councilmember Djou would discuss with Mayor Hannemann about the sewage dumped into the Ala Wai Canal.

Chair Chuck thanked Figueiredo.

MAYOR MUFI HANNEMANN'S REPRESENTATIVE: - Alfred Tanaka mentioned that the Neighborhood Commission Office would be requesting the Neighborhood Board that the Mayor's representative be moved up in the agenda. He missed the last meeting due to flooding on the Windward side. Reporting on last month's concerns-

1. Board member Jeannine Johnson reported that the Principal of Niu Valley Intermediate School asked if TheBus could detour into the valley only on school day afternoons and pick up the students in front of the school and not on Kalaniana'ole Highway for safety reasons.

Tanaka responded that the trip diversion to Niu Valley Middle School in the morning would have to be an extension of one Upper Aina Haina trip. DTS will

research whether any corresponding afternoon trip is available for a similar diversion; however, as we have previously advised the school, dedicated school bus service is the responsibility of the State DOE.

The Mayor's rep Alfred Tanaka reported that he sits on the Schools Traffic Safety Committee and he suggested that it is the Department of Education (DOE) responsibility for dedicated school bus service and OTS would provide a similar (to the morning diversion) afternoon diversion if available.

Board member Karen Narimasu explained that they are not asking for similar service to the morning bus from Kahala Mall, but for TheBus to detour for that one stop in the afternoon closest to after the end of school day.

The bus would turn mauka on Halemaumau Street, stop at the Nui Valley Middle School and loop back on Halemaumau Street to Kalaniana'ole Highway.

The Board and Rep. Lyla Berg wanted to re-submit this request because the students act in an unruly and unsafe manner on Kalaniana'ole Highway.

Chair Chuck requested that Tanaka reconsider this request.

2. Board member Jack Schneider reported there is road surface separation conditions at Kumakani Loop and Laukahi Street. It is much bigger than a pothole, and there is asphalt and concrete roadbed separation, and there are segments of sidewalk that have sunk around 6 inches, too.

Tanaka suggested that potholes be reported to the Pothole Hotline at 547-7777.

Chair Chuck thanked Tanaka.

Governor Linda Lingle's Representative- (9:37 p.m.) Dr. Linda Rosen, Deputy Director, Department of Health mentioned that she was late as she was working with the air ambulances flying to the neighbor islands. She had public health concerns about a bill to allow people to carry firearms or a weapon in the open. She has been working with Oahu Civil Defense and overwhelmed with the flooding and sewage spills. The "safe level" of bacteria in beach sand is unknown. Also, each person's immune system is unknown. Concerning last month, ambulances usually go to the patient's choice or the closest hospital, but can be diverted.

Chair Chuck thanked the Governor's representative Dr. Rosen.

NEW BUSINESS

There was none.

TREASURER'S REPORT- Treasurer Al Andrews reported that there was a balance of \$913.09 in the Operating Account, \$1,211.00 in the Publicity Account (pending payment of about \$168.00 for two two-sided signs to publicize the meetings) and \$120.00 in the Refreshment Account. The Treasurer's report was accepted as read.

ADJOURNMENT: Hearing no objections, Chair Chuck adjourned the meeting at 9:45 p.m.

Submitted by K. Russell Ho, Neighborhood Assistant

Reviewed by Board Chair Bob Chuck and Board member Linda Starr